

MEETING No.1329

**Minutes of the meeting of Feock Parish Council Planning Committee held on
Monday 4th December 2023 at 3.30pm
at the Parish Council Office, Market Street, Devoran TR3 6QA**

Members present: Cllr Richard Brickell, Feock Ward, Chair
Cllr Cathy Kemp, Carnon Downs Ward
Cllr Anne Allen, Devoran Ward
Cllr Phil Allen, Carnon Downs Ward
Cllr Jan Allen, Carnon Downs Ward
Cllr Beverley Johnson, Feock Ward

In attendance: Debbie Searle, Assistant Parish Clerk

Public present: None

1. WELCOME & APOLOGIES

The Chair welcomed those present. Apologies were received and accepted from Cllr Mike Steel, Cllr Mark Woolcock, Cllr Rick Bowers, Cllr Keith Hambly-Staite and Cornwall Cllr Martyn Alvey.

2. MINUTES OF PREVIOUS PLANNING MEETING

RESOLUTION: Cllr Kemp proposed the minutes of the Planning Committee meeting held on 13th November 2023 as a true record of the meeting. This was seconded by Cllr Johnson and carried by the meeting.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. PUBLIC PARTICIPATION

No public present.

5. STATUTORY CONSULTATION – PLANNING APPLICATIONS FOR CONSULTEE COMMENT

SCHEDULE A applications

RESOLUTION: Cllr A Allen proposed the consultee comments for the applications listed below as stated. This was seconded by Cllr Johnson and carried by the meeting.

PA23/09420 (072) - Wild Daisy Cottage 1 Carclew Terrace Devoran TR3 6PN

The Parish Council has no objection.

PA23/09388 (073) - 2 Woon Lane Carnon Downs TR3 6LR

The Parish Council has no objection subject to the Planning Officer ensuring that there will be no detriment to the amenity of the neighbouring property.

PA23/09459 (074) - Tramway House Quay Road Devoran TR3 6PW

The Parish Council has no objection.

SCHEDULE B applications

PA23/09153 (070) - 3 Trevallion Park Feock TR3 6RS

RESOLUTION: Cllr P Allen proposed the consultee comment for the application as: **These are significant trees, and no decision should be made on this application without comment from the Tree Officer. Should the Tree Officer agree that removal of T1 is necessary, and approval is granted, we would ask that they assess the suitability of replacement with an Oak and the long-term viability of this in regard to grey squirrel damage. We would also comment that due to disruption caused to the public footpath from previous tree works in this area that any removal of tree debris is carried out in a neighbourly way and for the footpath surface to be repaired if any damage is caused to it due to these works.** This was seconded by Cllr Kemp and carried by the meeting.

PA23/09447 (075) - Palm View Old Carnon Hill Carnon Downs TR3 6LF

RESOLUTION: Cllr Kemp proposed the consultee comment for the application as: **The Parish Council has no objection to this application subject to the Planning Officer ensuring that there will be no detriment to the amenity of the neighbouring properties. We would however question whether a change of use of land is required for the site of the proposed carport.** This was seconded by Cllr A Allen and carried by the meeting.

PA23/09638 (076) - Trewithick Harcourt Feock TR3 6SQ

RESOLUTION: Cllr A Allen proposed the consultee comment for the application as: **The Parish Council will defer to the Tree Officer for this application.** This was seconded by Cllr Johnson and carried by the meeting.

6. SUBMITTED CONSULTEE COMMENTS

RESOLUTION: Cllr Kemp proposed the following consultee comments submitted to Cornwall Council, as agreed via email between Committee members, since the last planning meeting be formally ratified. This was seconded by Cllr A Allen and carried by the meeting.

PA23/08970 (069) - Killiganoon Farm House Killiganoon Carnon Downs TR3 6JT

The Parish Council has no objection.

PA23/09172 (071) – Treheath Meadows Bissoe Road Carnon Downs TR3 6GT

The Parish Council does not consider this a non-material amendment.

7. LETTER TO CORNWALL COUNCIL REGARDING CARNON VALLEY LAND

Cllr P Allen gave information relating to the Carnon Valley land stating that the Parish's policy is that it is a County Wildlife Site and a green open space and should be protected. Cornwall Council's position states that they will not support development on Country Wildlife Sites unless the developer can demonstrate that there is no alternative. Clearance works to the site had been carried out and when the contractors carrying out the works were approached, they stated that they had an Ecologist's opinion that the land was of no value. Following their clearance of the land (between Pellows Yard, the industrial development and the mining trail) the Parish Council requested an Area Tree Preservation Order, but Cornwall Council (CC) declined to do this. Recent meetings have been held with Richard Rider, the Environment Agency Officer who has been tasked with finding a sustainable future for the Valley and he has advised that the Environment Agency has sold an option to South West Water (SWW) becoming effective should they be successful in obtaining planning permission (for a replacement sewerage works). SWW had asked the CC planning team if they required an Environmental Impact Assessment (EIA) for the site and they had responded that they didn't, this decision leading to SWW cutting down the trees. CC wrote to Natural England as environmental guardians asking if they required an EIA, they replied to say it wasn't designated nationally but suggested CC consult their local environment agency to see if there is any reason why it is important. The assessment made to nominate and accept it as a County Wildlife Site stated that it was of special scientific interest quality. Discussion followed and Cllr P Allen summarised that he considers that there may have been an error made and would like a letter sent to CC to question their decision on not obtaining an EIA.

RESOLUTION: Cllr P Allen proposed the letter he presented at the meeting be sent to Cornwall Council. This was seconded by Cllr Johnson and carried by the meeting.

8. PARISH TREES

Cllr P Allen stated that a few years ago he put forward a statement looking for everyone in the parish to plant one tree. The Forest for Cornwall is seeking to establish 8000 hectares of woodland in Cornwall to bring cover up by 2%. Cornwall is the least wooded county in England. A 2% increase would bring it up to about 5% but this is still low. He suggests that in support of this we set a target of one tree planted for each resident. Forest of Cornwall's wish is the equivalent of 16 trees per each resident in Cornwall. His position is that we should be encouraging people to plant trees. It has been said that concentration should be given to keeping the trees that the Parish has, which is fair comment and he subsequently sought to set out what the legislation is on Tree Preservation Orders (TPOs). The Town & Country Planning Act 1990 allows planning authorities to set TPOs in their area if it is expedient in interest of amenity. Amenity is not defined in law. Orders should protect trees and woodlands if their removal would have a significant impact on the local environment as enjoyed by the public. It states that planning authorities need to assess amenity in a structure and consistent way. It implies amenity is visual amenity and an authority will not be protecting a tree that is not visible by the public however you are allowed to consider rarity, cultural value, or historical value. Discussion followed regarding the ancient tree list and a recent application for works to an ancient tree at Tregoose. There are other factors such as nature conservation and the response to climate change that can be taken into account, but these factors only support an application, it has to be visible. However, CC state that the only appropriate test for TPO setting is the loss or damage of a tree would cause significant harm to a public space. He suggested that if CC are not to come up with a consistent approach, then he asked if the Parish Council wishes to. Cllr Kemp questioned whether it was possible to approach the Tree Officers to ask them if they are willing to alter their policies taking into account these factors which seem perfectly rational and sensible. Cllr P Allen stated that so far we have not had any success with this, whenever we go beyond their policy they discount it. If we wanted this to change we would have to come up with a policy and employ a consultant to come up with that policy. Cllr Kemp clarified that this would be policy for the Parish Council and that if CC do not embrace it, it would make no difference. Cllr J Allen stated that Cllr Martyn Alvey should be approached in his capacity as Portfolio holder for Environment and Climate Change at CC to assist with taking an approach forward. Cllr P Allen stated that during the process of the Neighbourhood Development Plan (NDP) that Woodland Trust carried out a survey of the whole parish and identified that the whole of the creek is a county wildlife site and a lot of the woodland zones around the creek. Also, all of the various woodland zones they designated as Bio-diversity Action Plan zones, so there is a lot of relative content in our own NDP. Cllr J Allen reiterated that it was an important subject and pressure should be put on Cornwall Council to remedy the current situation. Cllr P Allen asked members to access the CC interactive mapping system to view the TPO areas stating that the majority of Parishes in Cornwall have no TPO and perhaps this is why it is not a priority with CC however up to 10% of Feock Parish is covered by TPOs along with our adjoining parishes. Cllr P Allen gave details of the dates of the TPOs in the parish and the description of what they covered. Discussion followed in which it was discussed that a consultant could be funded by the Parish Council to undertake a survey however it was noted that they would not have any rights of access onto people's land to carry out the survey. It was concluded and agreed that a meeting would be sought with Cllr Martyn Alvey, to take place in March 2024 when Cllr Allen would be back in the country and available.

9. MATTERS TO REPORT

It was reported that a 5 day Local Council Protocol procedure letter had been received from CC for PA23/06118 (Pipers Cottage) and that the Parish Council's response had been to 'agree to disagree' with the Planning Officer's recommendation for conditional approval

It was further reported that a 5 day Local Council Protocol procedure email had been received from CC for PA23/06631 (Lea Hurst) and that the Parish Council's response had been that the Parish Council agreed with the Planning Officer's recommendation for conditional approval.

The appeal against the enforcement notice EN21/01946 (Oak House, Four Turnings, Feock) was noted and discussed which concluded that the Parish Council would submit a further statement to the Planning Inspector and that a Councillor would, if possible, attend the public hearing to speak on behalf of the Parish Council. The base draft of a

possible additional comment for submission would be circulated to Councillors for their amendment and input. It was noted that a day and time for the hearing did not appear to have been set yet.

It was noted that application PA22/09743 (Shortlands, Ropewalk, Devoran) would be on the agenda for CC's Central Sub-Area Planning Committee meeting on Monday 18th December 2023. Cllr Brickell confirmed that he would speak at the meeting on behalf of the Parish Council.

10. DATE OF NEXT MEETING

It was agreed that the date of the next meeting will be decided by Councillors via email as soon as possible.

There being no further business the meeting closed at 4.45pm